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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,379	01/13/2004	Harold D. Hutchinson	4056	3616

23388 7590 09/26/2006

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EXAMINER
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CAZAN, LIVIUS RADU

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/757,379

Applicant(s)

HUTCHINSON, HAROLD D.

Examiner

Livius R. Cazan

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

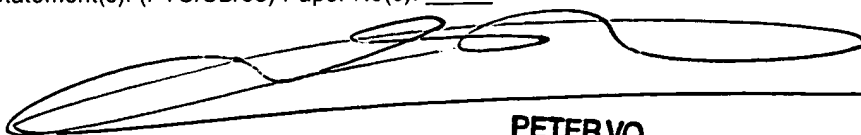
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: Note the attached PTO-892 form.



**PETER VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700**

Continuation of 3. NOTE: The newly added limitations raise new issues which would require further consideration. In particular, the cited art would need to be applied in a different manner, and possibly a search for new pertinent references would be required.

Continuation of 11. does NOT place the application in condition for allowance because: Although the claims as amended may overcome the art as applied in the final rejection, the references employed disclose substantially the same structure as the Applicant. Specifically, Swage-It discloses a tool used for attaching (i.e. crimping) a metal sleeve at the end of a cable, so as to form a loop for example. The structure is substantially similar to that of Fig. 7 of Applicant's disclosure, notable differences being the absence of ribs on one block, and the absence of troughs on both sides of a second block. Applicant's assertion that the tool is meant to hold cables (page 12, last line) and that it is meant to be hit by a hammer (page 12, second paragraph) is completely incorrect. See the attached reference, showing an image of the same tool disclosed by the Swage-It reference (the attached reference is from the present website, rather than the 2000 version of the website). As can be seen, a wrench is used to tighten the bolts of the tool and therefore deform the metal sleeve on the metal cable. Clearly, this is a crimping tool, both in structure and in function. As for the noted differences, the Newell reference teaches a crimping tool having a trough on one block and a rib on the other. Since both types of crimping devices are known in the art, i.e. with troughs on both sides (such as the Hamilton reference) and with a ribs on one side and troughs on the other (as in Newell), one of ordinary skill in the art would have recognized that Swage is a crimping tool with troughs on both sides and would have found it obvious to substitute the troughs on one block with ribs, so as to obtain the terminal deformation pattern created by a rib. As for one block having troughs on both sides, clearly it is known to provide a device with structural features on both sides of a block so as to double the number of possible surface features (such as in the Wilson reference). Since it is deemed that the prior art still anticipates, or at least renders Applicant's invention obvious, the claims stand rejected as carefully articulated in the final rejection.